

Atty. Docket No. YOR920000440US1
(590.024)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 1-8 and 10-30 were pending in the instant application at the time of the outstanding Office Action. The Office, however, did not consider Claims 23-30 as the previous restriction requirement was made final. Applicants continue to traverse the propriety of the restriction requirement, *inter alia*, given that the same art was applied against all claim groups in previous Office Actions. Moreover, restricted Claims 23-25 were indicated as being allowable in the July 2004 Office Action.

Of the claims considered in the outstanding Office Action, Claim 6 stands rejected under 35 USC 112, second paragraph, Claims 1-3, 5, 8, 12-14 and 22 stand rejected under 35 USC 102(b), and Claims 7 and 10 stand rejected under 35 USC 103. Claims 4, 11 and 15-21 are indicated as being allowable if rewritten in independent form.

Applicants have rewritten independent Claims 1, 12. Claim 12 has been rewritten to incorporate the subject matter of dependent claims 13 and 15. Claim 1 has been rewritten to more closely track the language of claim 15, which was indicated as being allowable. Claim 14 has been rewritten to change the dependency. Claims 6, 13, 15 and 26-30 have been cancelled. Applicants intend no change in the scope of the claims by the changes made by this amendment. It should also be noted these amendments are not in

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acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

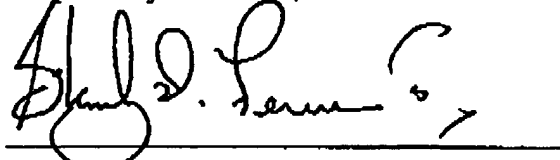
As noted above, the language as provided in Claim 15, which was found to be allowable, has been incorporated into independent Claim 1. Claim 1 now recites, *inter alia*, "wherein adapting said at least one bent element to avoid premature mechanical failure comprises baking said at least one optoelectronic fiber." As noted above, independent Claim 12 has, also, been rewritten to incorporate the subject matter of Claims 13 and 15. In view of the foregoing, it is respectfully submitted that Claims 1 and 12 are both currently allowable. By virtue of dependence from Claims 1 and 12, it is thus also submitted that Claims 2-5, 7, 8, 10, 11, 14 and 16-22 are also allowable at this juncture.

As indicated above, Claims 23-25 have previously been found to be allowable. In light of the fact that the claims presently under consideration have been placed in condition for allowance, as well as the highly unusually nature of having a restriction requirement being made after a final action, reconsideration of the restriction requirement and allowance of Claims 23-25 is, also, requested. It is the Applicants' continued position that such action is appropriate so as to avoid the undue hardship and expense placed upon the Applicants in order to bring about issuance of claims already examined and found to be in a condition of allowance. This is especially appropriate where such action places no serious burden upon the examiner as generally required for the imposition of a restriction requirement. See MPEP § 803.

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In summary, it is respectfully submitted that the instant application, including Claims 2-5, 7, 8, 10, 11, 14, 16-25 is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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